

S/N NEW FILING

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	VANDEN HOEK ET AL.	Examiner:	UNKNOWN
Serial No.:	NEW FILING	Group Art Unit:	UNKNOWN
Filed:	HEREWITH	Docket No.:	11998.18USC3
Title:	DELIVERY OF CARDIAC CONSTRAINT JACKET		

CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EV322884385US  
Date of Deposit: January 28, 2004

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Commissioner for Patents, Mail Stop Patent Application, P.O. Box 1450, Alexandria, VA 22313-1450.

By: Teresa Anderson  
Name: Teresa Anderson

INFORMATION DISCLOSURE STATEMENT (37 C.F.R. § 1.97(b))

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner.

This statement should be considered because it is submitted within three months of the filing date of the above-identified application, which is not an application under 37 C.F.R. § 1.53(d). Accordingly, no fee is due for consideration of the items listed on the enclosed Form 1449.

In accordance with 37 C.F.R. §1.98(d), a copy of each document or other information listed on the enclosed Form 1449 is not provided because it was previously cited by or submitted to the U.S. Patent and Trademark Office in parent applications, U.S. Serial Nos. 10/226,580 filed on August 23, 2002, 09/921,475 filed August 3, 2001, now U.S. Patent No. 6,579,226, and 09/483,567 filed January 14, 2000, now U.S. Patent No. 6,293,906. In accordance with 37 C.F.R. § 1.98(a)(2)(i), a copy of U.S. Patent Nos. 6,293,906 and 6,579,226 are not provided, as this application was filed after June 30, 2003.

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,

MERCHANT & GOULD P.C.  
P. O. Box 2903  
Minneapolis, Minnesota 55402-0903  
612.332.5300

Date January 28, 2004



Anna M. Nelson  
Reg. No. 48,935  
AMN:PLStdM



<b>FORM 1449*</b> <b>INFORMATION DISCLOSURE STATEMENT</b> <b>IN AN APPLICATION</b> (Use several sheets if necessary)			Docket Number: 11998.18USC3	Application Number: New Filing
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			Filing Date: Herewith	Group Art Unit: Unknown

U.S. PATENT DOCUMENTS						
EXAMINER INITIAL	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	3,983,863	10/1976	Jainke et al.			
	4,048,990	09/1977	Goetz			
	4,403,604	09/1983	Wilkinson et al.			
	4,428,375	01/1984	Ellman			
	4,630,597	12/1986	Kantrowitz et al.			
	4,690,134	09/1987	Snyders			
	4,821,723	04/1989	Baker, Jr. et al.			
	4,834,707	05/1989	Evans			
	4,878,890	11/1989	Bilweis			
	4,936,857	06/1990	Kulik			
	4,957,477	09/1990	Lundback			
FOREIGN PATENT DOCUMENTS						
	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION
						YES
	1009457	04/1983	SU			Abstract
	60-203250	10/1985	JP			Abstract
	0 280 564	08/1988	EP			
	3831540	04/1989	DE			Abstract
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)						
		"Abstracts From the 68th Scientific Sessions, Anaheim Convention Center, Anaheim, California, November 13-16, 1995", American Heart Association Supplement to Circulation, Vol. 92, No. 8, Abstracts 1810-1813 (October 15, 1995)				
		Capomolla et al., "Dobutamine and nitroprusside infusion in patients with severe congestive heart failure: Hemodynamic improvement by discordant effects on mitral regurgitation, left atrial function, and ventricular function", American Heart Journal, Vol. 134, No. 6, pp. 1089-1098 (December 1997).				
		Capouya et al., "Girdling Effect of Nonstimulated Cardiomyoplasty on Left Ventricular Function", The Society of Thoracic Surgeons, Vol. 56, pp. 867-871 (1993).				

EXAMINER	DATE CONSIDERED
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.	

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	4,973,300	11/1990	Wright			
	4,976,730	12/1990	Kwan-Gett			
	5,057,117	10/1991	Atweh			
	5,087,243	02/1992	Avitall			
	5,131,905	07/1992	Grooters			
	5,150,706	09/1992	Cox et al.			
	5,186,711	02/1993	Epstein			
	5,192,314	03/1993	Daskalakis			
	5,256,132	10/1993	Snyders			
	5,290,217	03/1994	Campos			
	5,356,432	10/1994	Rutkow et al.			
FOREIGN PATENT DOCUMENTS						
	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION
						YES
	2209678	05/1989	GB			Abstract
	01-145066	06/1989	JP			Abstract
	3831540 C	06/1983	DE			Abstract
	295 17 393 UI	03/1996	DE (English Language)			
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)						
		Cohn, "The Management of Chronic Heart Failure", The New England Journal of Medicine, Vol. 335, No. 7, pp. 490-498 (August 15, 1996).				
		Coletta et al., "Prognostic value of left ventricular volume response during dobutamine stress echocardiography", European Heart Journal, Vol. 18, pp. 1599-1605 (October 1997).				
		Guasp, "Una protesis contentiva para el tratamiento de la miocardiopatia dilatada", Revista Espanola de Cardiologia, Vol. 51, No. 7, pp. 521-528 (July 1998).				
		Kass et al., "Reverse Remodeling From Cardiomyoplasty in Human Heart Failure", Circulation, Vol. 91, No. 9, pp. 2314-2318 (May 1, 1995).				
		Levin et al., "Reversal of Chronic Ventricular Dilation in Patients With End-Stage Cardiomyopathy by Prolonged Mechanical Unload", Circulation, Vol. 91, No. 11, pp. 2717-2720 (June 1, 1995).				

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EXAMINER INITIAL	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	5,366,460	11/1994	Eberbach			
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	5,385,156	01/1995	Olivia			
	5,429,584	07/1995	Chiu			
	5,405,360	04/1995	Tovey			
	5,507,779	04/1996	Altman			
	5,524,633	06/1996	Heaven et al.			
	5,603,337	02/1997	Jarvik			
	5,647,380	07/1997	Campbell et al.			
	5,702,343	12/1997	Alferness			
	5,713,954	02/1998	Rosenberg et al.			
FOREIGN PATENT DOCUMENTS						
	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION
						YES
	295 17 393 U1	03/1996	DE (German Language)			
	WO 96/16601	06/1996	PCT			
	WO 98/29041	07/1998	PCT			
	WO 98/58598	12/1998	PCT (English Language)			
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)						
		Oh et al., "The Effects of Prosthetic Cardiac Binding and Adynamic Cardiomyoplasty In A Model Of Dilated Cardiomyopathy", The Journal of Thoracic and Cardiovascular Surgery, Vol. 116, No. 1, pp. 148-153 (July 1998).				
		Paling, "Two-Bar Fabrics (Part-Set Threading)", Warp Knitting Technology, Columbine Press (Publishers) Ltd., Buxton, Great Britain, p. 111 (1970).				
		Vaynblat et al., "Cardiac Binding in Experimental Heart Failure", Ann Thorac Surg. Vol. 64 (1997).				

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	5,766,216	06/1998	Gangal et al.			
	5,800,528	09/1998	Lederman et al.			
	5,928,250	07/1999	Koike et al.			
	5,961,440	10/1999	Schweich, Jr. et al.			
	5,990,378	11/1999	Ellis			
	6,077,218	06/2000	Alferness			
	6,085,754	07/2000	Alferness et al.			
	6,123,662	09/2000	Alferness et al.			
	6,126,590	10/2000	Alferness			
	6,155,968	12/2000	Wilk			
	6,165,121	12/2000	Alferness			
FOREIGN PATENT DOCUMENTS						
	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION
						YES
	WO 98/58598	12/1998	PCT (German Language)			
	WO 99/44534	09/1999	PCT			
	WO 01/67985 A1	09/2001	PCT			
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	6,179,791 B1	01/2001	Krueger			
	6,241,654 B1	06/2001	Alferness			
	6,293,906	09/2001	Vanden Hoek et al.			
	6,375,608 B1	04/2002	Alferness			
	6,416,459 B1	07/2002	Haindl			
	6,425,856 B1	07/2002	Shapland et al.			
	6,482,146 B1	11/2002	Alferness et al.			
	6,537,203 B1	03/2003	Alferness et al.			
	6,544,168 B2	04/2003	Alferness			
	6,293,906 B1	09/25/2001	Vanden Hoek et al.			
	6,579,226 B2	06/17/2003	Vanden Hoek et al.			
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PATENT TRADEMARK OFFICE

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